

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ANTHONY WHITTER,

Defendant.

ORDER
01-CR-237S

1. On October 9, 2003, Defendant Anthony Whitter filed two documents captioned "Motion to Dismiss" and "Evidentiary Submissions." These documents were later construed by this Court as a Motion to Vacate or Set Aside Sentence pursuant to 28 U.S.C. § 2255.

2. On December 11, 2003, the Government filed a Motion to Dismiss Defendant's § 2255 petition. No further action was taken on the case by the parties.

3. On May 19, 2005, this Court issued an Order directing the Government to file a submission with an update regarding Defendant's immigration status and the status of this case.

4. In its submission, filed on June 9, 2005, the Government advises that Defendant completed his federal sentence on September 19, 2003, and was subsequently removed from the United States to Canada in October 2004. Accordingly, Defendant's petition for relief is moot.

IT HEREBY IS ORDERED, that Defendant's Motion to Vacate or Set Aside Sentence pursuant to 28 U.S.C. § 2255 (Docket No. 54) is DENIED as moot.

FURTHER, that the Government's Motion to Dismiss (Docket No. 56) is DENIED as moot.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: June 21, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge